

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIO K. BENNETT,

Plaintiff,

vs.

JEANNE WOODFORD, et al.,

Defendants.

No. C 06-4399 JF (PR)

ORDER REGARDING
PLAINTIFF'S PENDING
MOTIONS

(Docket Nos. 43, 45, 48, 49, 51,
54, 56, 58, 59, 62, 73, 76, 77,
78, 79, 82, 84, 85, 87, 89, 93)

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Pelican Bay State Prison ("PBSP") officials and the Director of the California Department of Corrections and Rehabilitation. Plaintiff has been granted leave to proceed in forma pauperis in a separate written order. The Court dismissed the complaint with leave to amend. Plaintiff has filed three amended complaints on April 16, April 23, and May 17, 2007. Plaintiff has filed several requests and motions for discovery. Plaintiff has filed a motion for a preliminary injunction, four motions for copies, two requests for subpoenas, a motion for the Court to file all motions, a motion for the Court to grant all motions, a motion for the Court to grant the amended complaint, a request for status, a request for service, and two motions for default

1 judgment. The Court will address Plaintiff's pending motions as set forth below. The
2 Court will review the amended complaint in a separate written order.

3 DISCUSSION

4 The Court has yet to review the amended complaint. Accordingly, Defendants
5 have not been served at this time. The Court notes that Plaintiff does not need to file any
6 discovery requests with the Court. At this time, all motions and requests for discovery
7 (docket nos. 43, 45, 56, 77, 78, 79 and 84) are DENIED without prejudice as premature.
8 Plaintiff's requests for the Clerk to order subpoenas (docket nos. 73, 76) and request to
9 serve Defendants (docket no. 93) are DENIED without prejudice. If the Court orders
10 service of the amended complaint, summons will be issued and a copy of the amended
11 complaint will be served on the Defendants by the Court, as Plaintiff is proceeding in
12 forma pauperis.

13 Plaintiff's motion requesting that the Court grant all of his motions and motion to
14 grant the amended complaint (docket nos. 49, 52) are DENIED without prejudice.
15 Plaintiff's request for all motions to be filed (docket no. 51) is GRANTED. The Court
16 notes that all of Plaintiff's submissions to the Court have been filed. Plaintiff's motion
17 for an injunction regarding the opening of his legal mail (docket no. 48) is DENIED
18 without prejudice. Plaintiff may renew his motion after the Court has reviewed the
19 amended complaint, and if appropriate, ordered service on the Defendants.

20 Plaintiff's motions for default judgment (docket nos. 85, 89) are DENIED as moot
21 because Defendants have not been served. Plaintiff's motions and requests for copies
22 (docket nos. 58, 59, 62, and 87) are DENIED without prejudice. Plaintiff may complete
23 the enclosed form requesting copies of any documents filed in this case and submit
24 payment of \$.50 per page. Plaintiff's requests for status (docket no. 82) is GRANTED.
25 The Clerk shall send Plaintiff a copy of the docket sheet.

26 The Court notes that Plaintiff need not file any further motions or requests to
27 proceed with his case. The Court will review the amended complaint filed on May 17,
28 2007, in a separate written order.

1 It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the
2 Court informed of any change of address by filing a separate paper with the clerk headed
3 "Notice of Change of Address." He must comply with the Court's orders in a timely
4 fashion or ask for an extension of time to do so. Failure to comply may result in the
5 dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b).

6 IT IS SO ORDERED.

7 DATED: 3/17/08


JEREMY FOGEL
United States District Judge